(37)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1532 of 2007

Petitioner	:	Ku. Shudha Tiwari, D/o Yudhithir Prasad Tiwari, Aged about 52 years, Assistant Teacher, Jailpara Primary School Sarangarh Block-Sarangarh Distt. Raigarh [C.G.]
	Versus	
Respondents		1. State of Chhattisgarh Through:- Secretary, Education Department, D.K.S. Bhawan, Raipur (C.G.)
		2. The Director, Public instruction, D.K.S. Bhawan, Raipur (C.G.)
		3. Joint Director, Public Instruction Division, Raigarh (C.G.)
		4. District Education Officer Distt. Raigarh [C.G.]
		5. Block Education Officer Block Sarangarh Distt. Raigarh [C.G.]

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: Mr. Sanjay Patel, Advocate for the petitioner.
Mr. Vinay Pandey, Panel Lawyer for State/respondents.

O R D E R

(Passed on this 16th Day of March, 2007)

1. The petitioner was appointed on 28.8.1983 as Assistant Teacher on fixed pay scale of Rs. 300/-. After completion of two year probation, she was granted regular pay scale of Rs. 975-1650/-.

2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Har Prasad Kurre and others vs. State of Chhattisgarh & others {W. P. (S) No. 5191/2006} by order dated 3.10.2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Har Prasad Kurre and others vs. State of Chhattisgarh & others (Supra).

6. In view of that, this petition is disposed of in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash